

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9742

IN THE MATTER OF:

Served July 14, 2006

Application of SCHROCK INC.,)	Case No. AP-2006-084
Trading as SCHROCK TOUR & CHARTER,)	
to Acquire Certificate No. 196 from)	
SCHROCK SIGHTSEEING SERVICE, INC.)	

By application accepted for filing May 22, 2006, Schrock Inc., a Pennsylvania entity trading as Schrock Tour & Charter, seeks Commission approval to acquire Certificate No. 196 from Schrock Sightseeing Service, Inc. (Shrock Sightseeing), a Virginia corporation.

Under Article XI, Section 11(a) of the Compact, a person may not transfer a certificate of authority unless the Commission approves the transfer as consistent with the public interest. The public interest analysis focuses on the acquiring party's fitness.¹

With respect to transfers of authority that are also subject to Article XII, Section 3, governing mergers and consolidations with WMATC carriers and similar transactions between existing WMATC carriers, the public interest analysis focuses on the transferee's fitness, the resulting competitive balance and the interests of affected employees.²

Applicant proposes commencing operations with twelve motorcoaches. Applicant proposes operating under a tariff containing hourly charter rates, mileage and/or hourly rates, and individual and/or group sightseeing rates.

Applicant's mandatory Attachment A consists of applicant's articles of incorporation and proof that they were filed with the Commonwealth of Pennsylvania's Department of State. Applicant will be directed to file a current certificate of good standing from applicant's state of formation.

Because applicant proposes using a trade name and applicant's principal place of business is in Pennsylvania, applicant will be

¹ In re Quality Med. Supplies LLC, t/a F & J Healthcare Servs., & Tingem Health Care Servs. Inc., No. AP-04-25, Order No. 8033 (May 27, 2004).

² See id. See also In re National Coach Works, Inc. of Virginia, No. AP-03-178, Order No. 7674 (Jan. 20, 2004).

directed to file proof of fictitious name registration with the Commonwealth of Pennsylvania Department of State.

Because this application pertains to the transfer of a certificate of authority between two entities, applicant shall be directed to provide proof that both Schrock Inc., and Schrock Sightseeing Service, Inc., have agreed to the transfer. Applicant shall also be directed to file Certificate of Authority No. 196.

Applicant indicates that it is in common control with a current WMATC carrier. Applicant will be directed to file a statement (1) identifying the existing WMATC carrier in common control with applicant; (2) describing the control relationship; and (3) explaining the anticipated effect on competition and employees if common control is approved.

Because applicant has indicated that it possesses federal and state passenger carrier authority, applicant will be directed to file a copy of each passenger carrier license, certificate or registration that applicant currently holds. Applicant will also be directed to file its current federal safety rating, if applicant has one.

Applicant indicates that it has been investigated by a transportation regulatory agency within the past five years. Applicant will be directed to attach a statement identifying the agency or agencies; (2) describing the investigation or finding; and (3) explaining applicant's current status.

This proceeding is hereby initiated to determine whether the proposed transfer is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than July 28, 2006, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than August 11, 2006, an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than August 11, 2006, a current certificate of good standing from the Pennsylvania Department of State.

4. That applicant shall file with the Commission, no later than August 11, 2006, proof of fictitious name registration with the Commonwealth of Pennsylvania Department of State.

5. That applicant shall file with the Commission, no later than August 11, 2006, proof that both Schrock Inc., and Schrock Sightseeing Service, Inc., have agreed to the transfer of Certificate No. 196.

6. That applicant shall file with the Commission, no later than August 11, 2006, Certificate of Authority No. 196.

7. That applicant shall file with the Commission, no later than August 11, 2006, a written statement (1) identifying the existing WMATC carrier in common control with applicant; (2) describing the control relationship; and (3) explaining the anticipated effect on competition and employees if common control is approved.

8. That applicant shall file with the Commission, no later than August 11, 2006, a copy of each passenger carrier license, certificate or registration that applicant currently holds, and its current federal safety rating, if applicant has one.

9. That applicant shall file with the Commission, no later than August 11, 2006, a statement identifying the agency or agencies that have investigated applicant during the past five years; (2) describing the investigation or finding; and (3) explaining applicant's current status.

10. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing is August 11, 2006, and that copies must be served on applicant's administrative assistant, Linda Johnson, 118 Schrock Drive, Berlin, PA 15530.

FOR THE COMMISSION:



William S. Morrow, Jr.
Executive Director

